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OFFICE OF PETITIONS

Date 2/9/04

By [Signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------------------|---|----------------------------|
| In re application of |) | |
| |) | |
| Marcotte, et al. |) | |
| |) | |
| Serial No. 09 / 694,363 |) | Art Unit: 2855 |
| |) | Examiner: Martir, Lilybett |
| Filed: October 23, 2000 |) | |
| |) | |
| For: PEAK FLOW METER |) | |
| |) | |

RESPONSE TO OFFICIAL ACTION

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants thoroughly considered the Official Action dated May 9, 2003 and filed a Notice of Appeal on October 9, 2003 in response thereto. The Applicants herewith withdraw their appeal and have concurrently filed a Request for Continued Examination, this Response, and the attached Declaration Under 37 CFR §1.132 of John D.K. Karp, P.E., in response to the Official Action. In addition, a Petition for Two-Month Extension of Time, and the required extension fee have been concurrently filed.

The Applicants assert that amended claim 1, and claims 3 – 7 that depend therefrom, is allowable and, for the following reasons, request that the rejections be